

CEMETERY BOARD MEETING

MINUTES

January 20, 2009

The Cemetery Board met on January 20, 2009, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia. The following members were present:

Kenneth R. Bell, Chairman
Mike Kirsch
David Gilliam
Isabel Berney

Board members not present: Randy Gleason
Delores King

DPOR staff present for all or part of the meeting included:

Jay W. DeBoer, Director
Christine Martine, Executive Director
Bonnie Rhea Adams, Director of Complaint
Analysis, & Resolution
Herb Nichols, Investigator
Earlyne Perkins, Legal Analyst
Emily Trent, Administrative Assistant

Chairman Bell called the meeting to order at 9:05 AM

Call to Order

Michael Doherty, Virginia Cemetery Association Board member, addressed the Board concerning legislation HB1909 and HB1593.

Public Comment

A motion was made by Mr. Kirsch and seconded by Ms. Berney to approve the agenda. The motion passed unanimously. Members voting "Yes" were Bell, Berney, Gilliam and Kirsch.

Agenda

A motion was made by Mr. Gleason and seconded by Mr. Kirsch to approve the following minutes: October 22, 2008, Board Meeting. The motion passed unanimously. Members voting "Yes" were Bell, Gilliam and Kirsch. Ms. Berney abstained from voting.

Minutes

A motion was made by Mr. Gilliam and seconded by Mr. Bell to approve the following minutes: December 2, 2008, Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes"

were Bell, Gilliam and Kirsch. Ms. Berney abstained from voting.

In the matter of **File Number 2008-04412, Rosewell Memorial Garden, Inc.**, the Board reviewed the record which consisted of the investigative file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. David W. Bristow, representative for the Respondent, was present and addressed the Board. A motion was made by Ms. Berney and seconded by Mr. Kirsch to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find (2 *violations*) of §54.1-2139, of the *Code of Virginia*. The motion passed unanimously. Members voting “Yes” were Bell, Berney, Gilliam and Kirsch.

**File Number 2008-04412,
Rosewell Memorial
Garden, Inc.**

A motion was made by Mr. Kirsch and seconded by Mr. Gilliam to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$500.00 for each violation contained in Count 1, for a total of \$1,000.00. The motion passed unanimously. Members voting “Yes” were Bell, Berney, Gilliam and Kirsch.

Mr. Chris Mullens, Manager, of SCI Virginia Funeral Services, Inc., and Corporate Counsel, were present and addressed the Board seeking approval to withdraw funds in the amount of \$2.563 million dollars, from the perpetual care trust fund of SCI Virginia Funeral Services, Inc. After consideration, a motion was made by Ms. Berney and seconded by Mr. Bell to deny the request to retroactively withdraw funds in the amount of \$2.563 million dollars from the perpetual care trust fund of SCI Virginia Funeral Services, Inc. The motion passed by majority vote. Members voting “Yes” were Bell, Berney and Kirsch. Member voting “No” was Gilliam. A motion was made by Mr. Kirsch and seconded by Mr. Gilliam to treat capital gains as income. The motion passed unanimously. Members voting “Yes” were Bell, Berney, Gilliam and Kirsch.

Administrative Matters

The meeting adjourned at 9:35 AM.

Adjourn

Kenneth Bell, Chairman

Jay DeBoer, Secretary